

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Innocent M. Dukart,

Case No. 18-cv-3413 (WMW/TNL)

Plaintiff,

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

v.

Department of Education,

Defendant.

This matter is before the Court on the March 15, 2019 Report and Recommendation (R&R) of United States Magistrate Judge Tony N. Leung. (Dkt. 5.) No objections to the R&R have been filed. In the absence of timely objections, this Court reviews an R&R for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Having reviewed the R&R, the Court finds no clear error. Based on the R&R and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The March 15, 2019 R&R, (Dkt. 5), is **ADOPTED**.
2. Plaintiff's complaint, (Dkt. 1), is **DISMISSED WITHOUT PREJUDICE**.
3. Plaintiff's application to proceed in district court without prepaying fees or costs, (Dkt. 2), is **DENIED AS MOOT**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: April 23, 2019

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge